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FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 3838
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RUEHGB/AMEMBASSY BAGHDAD PRIORITY 1496
RUEHLO/AMEMBASSY LONDON PRIORITY 1510
RUEHFR/AMEMBASSY PARIS PRIORITY 1176
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3251
RHEHNSC/NSC WASHDC PRIORITY

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SIPDIS

STATE FOR NEA/FO, NEA/I AND NEA/ARP

OVP FOR MUSTAPHA

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SUBJECT: FM CONVOKES P3 TO LAY OUT KUWAITI POSITION ON
MARITIME BORDER ISSUE

Classified By: CDA Tom Williams for reasons 1.4 b and d.

11. (S) FM Shaykh Dr. Mohammed Al Sabah convoked French
Ambassador and US and UK CDA's August 20 to make the
following points:

-- Kuwait appreciates the strong affirmation of UNSCR 833 by
P3 states.

-- Kuwait is seeking to be flexible in its approach towards
Iraq, as called for by UNSYG Ban Ki Moon. For example,
Kuwait had proposed to Iraq on May 19 in Jordan that
compensation payments could be invested into Iraqi
infrastructure and other projects, but the GoI had claimed it
was "not ready" for such discussions.

-- Kuwait observed that the UNSYG's latest report detailed at
length Iraqi concerns about its Chapter Seven obligations,
but did not mention anything with regard to maritime issues.
This leads Kuwait to perceive this issue to be of recent
origin, and to suspect it may be connected to Iraq entering
"campaign mode." The FM acknowledged the issue will need
careful handling because of the domestic Iraqi political
situation, but Kuwait's view is the issue has been
"parachuted" onto them and "is a fictitious claim, for lack
of a better term."

-- Kuwait understands the P3 is deliberating on how to
proceed, and senses that the P3 is dealing with the maritime
matter as if it were a real issue/obstacle.

-- Kuwait welcomes the UNSYG sending a fact-finding team to
look at the maritime issues, but still doesn't understand
fully the nature of Iraqi complaints. De Mistura in NY said
the obstacle, from an Iraqi perspective, wasn't physical but
psychological. In point of fact, Kuwait has never obstructed
or hindered passage; raising of a flag isn't an obstacle to
navigation, and indeed Kuwait seeks to expand the existing
channel and even supports a parallel channel along the Iraqi
side of the boundary (Kuwait plans to build a major port on
Bubiyan Island and wants large, clear channels to handle
increased shipping).

-- The P3 should deal with Kuwait on the maritime issue in
the spirit of partners and allies. If there is to be a
UNSCR, Kuwait would prefer that it not/not call for any panel
or committee. We first should ascertain if these claimed
maritime obstacles are really a problem.

-- In that context, the FM said he understood the US would be
sending NEA A/S Feltman (CDA noted this had been under

consideration but he would need to seek guidance on current thinking) -- the FM said A/S Feltman would in any case be most welcome; the UN is sending an expert from their legal department to look at technical aspects of maritime operations (as well as land border boundary marker issues, etc.). Kuwait would also send a strong team to the UNGA, led by PM Shaykh Nasser Al-Mohammed Al Sabah, to be better able to address these critical issues.

-- Finally, Dr. Mohammed said Kuwait's 15 diplomatic staff from their mission in Baghdad had secured passage on a UN aircraft and would arrive that afternoon. He stressed that this was only a routine measure to allow Kuwaitis to be with their families through Ramadan, that the mission would remain open in Baghdad staffed by non-Kuwaiti personnel, and that the Kuwaiti diplomats intended to return after Eid.

¶2. (S) Although largely in listening mode, P3 reps in response to the FM's presentation reaffirmed their nations' commitment to UNSCR 833. The French Ambassador noted maritime issues had been raised by de Mistura for some time; the UK CDA said that he understood any action in the Council in terms of a resolution had now slipped to September. All three reps noted the issues to be addressed are complex and challenging. Asked whether Kuwait viewed upcoming elections in Iraq as an incentive to seek resolution of differences now, or cause to delay, the FM said Kuwait is pragmatic and recognizes that while some progress may be possible on politically easy issues (opening of borders to allow more Iraqis to get medical treatment here, etc.), tough issues (moving farmers back to the Iraqi side of the border, e.g.) were politically volatile for the Iraqis and likely could not

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be addressed until after the elections. By way of example, Dr. Mohammed noted that the Al-Hadba party in Mosul had distributed maps showing Kuwait as part of Iraq; when challenged, they had claimed the maps were a misprint.

¶3. (S) Comment: After the meeting with the FM, P3 reps huddled briefly to compare notes on the discussion. There was consensus that action on this issue now largely rested with Baghdad and that moving forward with the type of fact-finding teams, etc., welcomed by the GoK risked alienating the GoI and impeding progress. The French Ambassador opined that he would consequently be recommending to Paris a go slow approach.

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